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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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|---|
| THE STATE OF CALIFORNIA et al.,<br>Plaintiffs,<br><br>v.<br><br>INFINEON TECHNOLOGIES AG et al.,<br>Defendants. |
|---|

Case No.: C 06-4333 PJH

PLAINTIFF STATE OF DELAWARE  
 NOTICE OF VOLUNTARY DISMISSAL

Plaintiff, State of Delaware ("State"), pursuant to Fed. R. Civ. P. Rule 41(A), hereby dismisses without prejudice the claims asserted by the State against Infineon Technologies AG, Infineon Technologies North America Corp., Hynix Semiconductor, Inc., Hynix Semiconductor America, Inc., Micron Technology, Inc., Micron Semiconductor Products, Inc., Mosel Vitelic, Inc., Mosel Vitelic Corp., Nanya Technology Corporation, Nanya Technology Corporation USA, Inc., Elpida Memory, Inc., Elpida Memory (USA) Inc., and NEC Electronics America, Inc., in the above captioned matter.

Pursuant to Fed. R. Civ. P. 41(A)(1) "an action may be dismissed by the plaintiff without order of court (i) by filing notice of dismissal at any time before service by the adverse party of an answer or a motion for summary judgment." Civil Rule 41(A) also

provides that "the dismissal is without prejudice." Here, the defendants have not served the State with an answer or a motion for summary judgment.

Furthermore, pursuant to Fed. R. Civ. P. 23(E), court approval and notice of voluntary dismissal are required only of a "certified class." Here, a class has not been certified.

Respectfully Submitted,

THE STATE OF DELAWARE

By its attorneys,

Joseph R. Biden, III  
Attorney General

Date: 04/03/08

/s/ Michael A. Undorf

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**Certification**

I herby certify this Notice of Voluntary Dismissal has been filed with the Court using its Electronic Case Filing System (ECFS). Notice to all parties is automatically carried out by the ECFS.

/s/ Michael A. Undorf

04/03/08

4/7/08

